## 455B.393 Liability of state employees or persons providing assistance.

- 1. A person employed by the state is not liable for damages incurred as a result of actions taken by the person when acting in the person's official capacity pursuant to this part, rules adopted pursuant to this part and the hazardous condition contingency plan.
- 2. A person who provides assistance at the request of the department or by previous agreement with the department in the event of a hazardous condition is not liable in a civil action for damages as a result of that person's acts or omissions in rendering the assistance. This section does not relieve a person from civil damages in any of the following circumstances:
- a. If the person providing assistance is also the person having control over the hazardous substance which created the hazardous condition.
- *b*. If the person rendered assistance for payment beyond reimbursement for out-of-pocket expenses or with the expectation of such payment.
  - c. For acts or omissions which result from intentional wrongdoing or gross negligence. 84 Acts, ch 1108, §5
    Referred to in §459.506